

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:16-CV-255-RJC-DCK**

KATHY MOTTOLA,

Plaintiff,

v.

**SANOFI S.A., AVENTIS PHARMA S.A., and
SANOFI-AVENTIS U.S. LLC,**

Defendants.

**ORDER AND
RECOMMENDATION**

THIS MATTER IS BEFORE THE COURT on “Defendants Sanofi S.A., Aventis Pharma S.A., And Sanofi-Aventis U.S. LLC And Plaintiff Kathy Mottola’s Joint Motion To Stay All Proceedings And Reset The Deadlines For Sanofi S.A. And Aventis Pharma S.A. To Answer Or Otherwise Respond To Plaintiff’s Complaint” (Document No. 20) filed August 16, 2016. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and noting consent of the parties, the undersigned will grant the motion.

By the instant motion, the parties jointly request that this matter be stayed pending a decision by the Judicial Panel on Multidistrict Litigation on Plaintiff’s Motion for Transfer of Actions Pursuant to 28 U.S.C. § 1407. (Document Nos. 20 and 21). The parties persuasively argue that a stay is necessary to conserve judicial resources and to minimize prejudice to all parties.

Id.

In addition, the undersigned observes that on July 25, 2016, “Sanofi-Aventis U.S. LLC’s Motion To Dismiss” (Document No. 9) was filed and that Plaintiff’s response to that motion is

currently due by September 23, 2016. See (Document No. 14). Based on the instant motion to stay, including the parties' argument that this matter is likely to be transferred, the undersigned will recommend that the pending motion to dismiss be denied, without prejudice to Defendant Sanofi-Aventis U.S. LLC re-filing a motion to dismiss at a later date.

IT IS, THEREFORE, ORDERED that "Defendants Sanofi S.A., Aventis Pharma S.A., And Sanofi-Aventis U.S. LLC And Plaintiff Kathy Mottola's Joint Motion To Stay All Proceedings And Reset The Deadlines For Sanofi S.A. And Aventis Pharma S.A. To Answer Or Otherwise Respond To Plaintiff's Complaint" (Document No. 20) is **GRANTED**. This action is **STAYED** until a determination by the Judicial Panel on Multidistrict Litigation on the pending Motion for Transfer of Actions Pursuant to 28 U.S.C. Section 1407. Defendants' deadline to file an answer, or otherwise respond to Plaintiff's Complaint, is extended until **twenty-one (21) days** after the stay is lifted or such other time as a transferee court dictates.

IT IS FURTHER ORDERED that the parties shall file a Status Report on **November 1, 2016**, and **every ninety (90) days** thereafter, until the stay is lifted and/or this matter is transferred.

IT IS RESPECTFULLY RECOMMENDED that "Sanofi-Aventis U.S. LLC's Motion To Dismiss" (Document No. 9) be **DENIED WITHOUT PREJUDICE**.

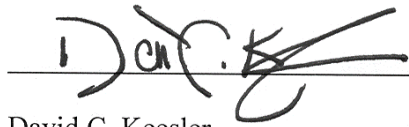
TIME FOR OBJECTIONS

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed within **fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and Recommendation with the District Court constitutes a waiver of the right to *de novo* review by the

District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh'g denied, 474 U.S. 1111 (1986).

SO ORDERED AND RECOMMENDED.

Signed: August 17, 2016



David C. Keesler
United States Magistrate Judge

